

## Update: Crime Victim Rights Manual

### CHAPTER 10

#### Restitution

#### 10.22 Allocation of Fines, Costs, Restitution, Fees, Assessments, and Other Payments

##### A. In Criminal Cases

Effective October 1, 2003, 2003 PA 74, 98, and 102 amend MCL 712A.29; MCL 780.766a, .794a, and .826a; and MCL 775.22, respectively. These amendments provide consistent rules for allocating the payments described in this section.

Beginning on page 259, replace the contents of subsections A and B (ending on page 261) with the following:

Under MCL 775.22, MCL 780.766a, MCL 780.794a, and MCL 780.826a, each payment by the defendant or juvenile for victim payments, fines, costs, assessments, probation or parole supervision fees, or other payments must be allocated as follows:

- ♦ Fifty percent must be applied to victim payments. MCL 775.22(2), MCL 780.766a(2), MCL 780.794a(2), and MCL 780.826a(2). “Victim payments” are restitution ordered to be paid to the victim or victim’s estate but not to an individual or entity that has reimbursed a victim for losses arising from the offense, and assessments paid to the Crime Victim’s Rights Fund. MCL 775.22(5), MCL 780.766a(5), MCL 780.794a(5), and MCL 780.826a(5).
- ♦ For violations of state law, the remaining money must be applied in the following descending order of priority:
  - minimum state costs prescribed by MCL 769.1j;
  - other costs;
  - fines;

\*See Section 10.5 (persons or entities entitled to restitution) and 2.8(A)–(C) (Crime Victim’s Rights Fund assessment).

- probation or parole supervision fees;
- assessments (other than the “crime victim’s rights assessment”) and other payments. MCL 775.22(3), MCL 780.766a(3), MCL 780.794a(3), and MCL 780.826a(3). “Other payments” include payments to individuals or entities that have reimbursed a victim for losses arising from the offense. MCL 780.766a(3)(e), MCL 780.794a(3)(e), and MCL 780.826a(3)(e).
- ◆ For violations of local ordinances, the remaining money collected must be applied in the following descending order of priority:
  - payment of minimum state costs prescribed by MCL 769.1j;
  - payment of fines and other costs;
  - payment of assessments (other than the “crime victim’s rights assessment”) and other payments. MCL 775.22(4), MCL 780.766a(4), MCL 780.794a(4), and MCL 780.826a(4).

If any victim payments remain unpaid after all of the other fees have been paid, then all of the remaining money collected shall be applied to victim payments. Conversely, if all of the victim payments have been made, then all of the remaining money collected shall be applied to the other fees in the order of priority listed above. MCL 775.22(2), MCL 780.766a(2), MCL 780.794a(2), and MCL 780.826a(2).

## B. In Juvenile Delinquency Cases

Under MCL 712A.29, each payment made by a juvenile or his or her parents for victim payments, fines, costs, assessments, or other assessments or payments must be allocated as follows:

- ◆ Fifty percent of the money must be applied to victim payments. MCL 712A.29(2). “Victim payments” are restitution ordered to be paid to the victim or victim’s estate but not to an individual or entity that has reimbursed a victim for losses arising from the offense, and assessments paid to the Crime Victim’s Rights Fund. MCL 712A.29(7).\*
- ◆ In cases involving orders of disposition for offenses that would be violations of state law if committed by an adult, the remaining money must be applied in the following descending order of priority:
  - payment of state minimum costs prescribed by MCL 769.1j;
  - payment of other costs;
  - payment of fines;
  - payment of assessments (other than the “crime victim’s rights assessment”) and other payments. MCL 712A.29(3).

\*See Section 10.5 (persons or entities entitled to restitution) and 2.8(A)–(C) (Crime Victim’s Rights Fund assessment).

- ◆ In cases involving orders of disposition for offenses that would be violations of local ordinances if committed by an adult, the remaining money must be applied in the following descending order of priority:
  - payment of state minimum costs prescribed by MCL 769.1j;
  - payment of fines and other costs;
  - payment of assessments (other than the “crime victim’s rights assessment”) and other payments. MCL 712A.29(4).

If fines, costs, or other assessments or payments remain unpaid after all victim payments have been paid, additional money collected shall be applied to payment of those fines, costs, or other assessments or payments. If victim payments remain unpaid after all fines, costs, or other assessments or payments have been paid, additional money collected shall be applied toward payment of those victim payments. MCL 712A.29(2).